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11 Attorneys for Defendants

12 **IN THE**
13 **UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN MARIANA ISLANDS**

15 **EMERENCIANA PETER-PELICAN**) **CIVIL ACTION NO. 07-0022**
16 **Plaintiff,**)
17 **v.**)
18 **GOVERNMENT OF THE**) **APPELLANT'S F.R.A.P.**
19 **COMMONWEALTH OF THE**) **10(b)(3)(A)/NINTH CIRCUIT**
20 **and TIMOTHY VILLAGOMEZ,**) **COURT RULE 10-3.1(a) NOTICE**
21 **in his official and individual capacities,**)
22 **Defendants**)
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24 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN**
25 **MARIANA ISLANDS:**

26 **COMES NOW** Defendant/Appellant Timothy Villagomez in the above styled and numbered
27 cause, who would now file this F.R.A.P. 10(b)(3)(A)/Circuit Court 10-3.1(a) Transcript Notice.

28 On March 20, 2008, Appellant filed its Notice of Appeal. Appellant's Transcript Designation
and Ordering Form was filed contemporaneously with the Notice of Appeal. That form indicated that
Appellant would not order any transcript. All papers were electronically served on Appellee.

Although the Notice of Appeal indicated that the denial of qualified immunity was the only issue
being appealed and Appellee is well aware of this, there being no other issue ripe for interlocutory appeal
at this time in this case, F.R.A.P. 10(b)(3)(A)/Circuit Court 10-3.1(a) seem to require a separate notice
to Appellee that Appellant will not order any transcript, and a statement of the issues to be presented to
the Circuit Court.

1 In conformity therewith, Appellant hereby notifies Appellee that no transcript will be ordered
2 by Appellant, and that whether the District Court erred in denying qualified immunity to Timothy
3 Villagomez is the sole issue in this appeal.

4 Dated this 8th day of April, 2008.

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/s/ David Lochabay

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14 CERTIFICATE OF SERVICE

15 I hereby certify that the above and foregoing has been e-filed this 8th day of April, 2008, with
service requested to Douglas F. Cushnie, attorney for Appellee.

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/s/ David Lochabay

David Lochabay

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